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'Birthers' legislation making its way through Legislature

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Capitol Media Services

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PHOENIX -- The House Government Committee voted Tuesday to require presidential contenders to prove to Arizona's secretary of state they're "natural born citizen" to get their names on the ballot.

The 6-1 vote came on the proposal by Rep. Judy Burges, R-Skull Valley, who said it's only fair to require those who want to lead our country prove they meet the standards of the U.S. Constitution. She said that, at the very least, it means producing a birth certificate.

"One must have a birth certificate if you're going to enroll your child in a sports program for school," Burges said. The same is true of passports.

Burges never mentioned Barack Obama during Tuesday's hearing or the controversy over whether he was actually born in Kenya and not Hawaii. Another legal theory of "birthers" who have challenged Obama's right to be president is that even if he was born in Hawaii, he lost his citizenship when his mother married an Indonesian and moved the family there.

But Burges previously told Capitol Media Services she has suspicions about Obama's loyalties, including bowing to the king of Saudi Arabia and a quote from his book -- taken out of context -- that "when it came down to it, he would be on the Muslim side."

Matt Benson, lobbyist for Secretary of State Ken Bennett, said there are all sorts of problems with HB 2441 which now goes to the full House.

First, he said it likely would bring a challenge that Arizona was illegally imposing its own standards on candidates for federal offices. Benson noted that federal courts previously struck down an attempt by Arizona to limit the terms of members of Congress.

Burges responded that 10 other states are considering similar proposals. "So it's not just Arizona," she said.

Benson pointed out, though, that what Burges wants isn't a simple matter of someone coming up with a birth certificate. It requires the secretary of state to examine documents proving eligibility and refuse to list that person on the ballot if there is "reasonable cause to believe the candidate does not meet the citizenship, age and residency requirements prescribed by law."

He said that provides no clear guideline for his agency to determine if, for example, a copy of a birth certificate is legally sufficient.

The state health department in Hawaii did produce a "short form" birth certificate for Obama, copies of which are available on the Internet. But that has not satisfied some who want to see the original which has never been released.

Linda Lingle, Hawaii's Republican governor, contends these originals are confidential and the state health director has released a statement that she has seen the original.

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